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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,057	09/08/2003	Naoyuki Sato	SONY-26200	5505

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EXAMINER	
SCOTT, RANDY A	
ART UNIT	**PAPER NUMBER**
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/658,057	SATO, NAOYUKI	
	Examiner	Art Unit	
	Randy Scott	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

This Office Action is in response to the Application filed September 8, 2003.

Specification

1. The disclosure is objected to because of the following informalities:

On line 14 of pg. 1, the term "(PDAs)" should be followed by a comma.

On line 27 of pg. 3, the term "or approximately" should be –of approximately-.

On line 7 of pg. 5, the term "compriese" should be – comprises-.

Claim Objections

2. Claims 1, 3, 9, 14, 16, 23, 33, 34, and 37 are objected to because of the following informalities:

On line 5 of claim 1 the term "localized information" should be -- the localized information --.

On line 2 of claim 3 the term "corresponding location information" should be -- corresponding the location information --.

On line 3 of claim 9 the term "the access point" should be –one of said access points --.

On line 4 of claim 9 the term "the access point" should be –one of said access points --.

On line 5 of claim 9 the term "the access point" should be –one of said access points --.

On line 9 of claim 9 the term "each access point" should be – each of said access points --.

On line 4 of claim 14 the term "an access point" should be -- said access point --.

On line 3 of claim 16 the term "corresponding location information" should be -- said corresponding location information --.

On line 4 of claim 21 the term "an access point" should be -- said access point --.

On line 6 of claim 21 the term "for maintaining for providing" should be -- for maintaining and providing --.

On line 2 of claim 23 the term "for maintaining for providing" should be -- for maintaining and providing --.

On line 3 of claim 23 the term "corresponding location information" should be -- said corresponding location information --.

On line 5 of claim 33 the term "the access point" should be –one of said access points --.

On line 1 of claim 34 the term "the access points" should be –the one or more of said access points --.

On line 4 of claim 37 the term "corresponding location information" should be -- said corresponding location information --.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 9 recites the limitation "the access point" in line 3 and the term "the access point" is confusing since it is unclear which particular access point recited above that the applicant is referring to.

5. Claim 33 recites the limitation "the access point" in line 4 and the term "the access point" is confusing since it is unclear which particular access point recited above that the applicant is referring to.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 14-22, and 25-32 are rejected under 35 USC 101 because the claimed invention is directed to non-statutory subject matter.

In claim 14, the limitations of a location table including a plurality of entries each having an address and location information corresponding to an access point; and a localized information database coupled to the location table to provide localized information based on the location information are recited. The limitations within claim 14 are non-statutory because the applicant failed to specify a correlating tangible occurrence resulting when the location table and the information database are implemented in the apparatus. A location table and a database are not tangible limitations because they are two physical structures claimed without a tangible output specified once the table and the database are implemented. Simply stating that the location table provides localized information isn't a tangible result because the applicant didn't specify who or where the information was provided for in this particular claim.

Claim 15-20 fail to resolve the deficiencies of claim 14 because there isn't any added language in either dependent claims that includes a limitation that would further limit claim 14 into producing a tangible output or that would cause claim 14 to produce a real world result

because the added limitations don't pertain to who or what the localized information is provided for.

In claim 21, the limitations a first means for maintaining a plurality of entries each having an address and location information corresponding to an access point; and a second means for maintaining a localized information database coupled to the first means for maintaining for providing localized information based on the location information are recited. The limitations within claim 21 are non-statutory because the applicant failed to specify a correlating tangible resulting along with a means for maintaining the plurality of entries and the localized information database. The only positive elements specified in the claim are maintaining a plurality of entries and a database, which cause the claim to lack tangibility because maintaining a database and a plurality of entries are statutory implementations and don't provide for a real world output. Note that the limitation for maintaining and generating an entry in the first means for maintaining including the address and corresponding location information specified in dependent claim 23 do further limit the means for maintaining into producing a tangible result.

Claim 22, and 25-27 fail to resolve the deficiencies of claim 21 because there isn't any added language in either dependent claims that includes a limitation that would further limit claim 21 into producing a tangible output or that would cause claim 21 to produce a real world result because the added limitations don't pertain to any added tangible limitations once the means to maintain are implemented.

Claim 28 recites the limitations for an address corresponding to the access point and location information corresponding to the access point. With respect to this particular claim, the only positive elements recited are address and location information. The limitations within the

claim have to produce a tangible result and not just the preamble. Address and location information do not provide for any real world output and are simply abstract implementations.

Claims 29-32 fail to resolve the deficiencies of claim 28 because there isn't any added language in either dependent claims that includes a limitation that would further limit claim 28 into producing a tangible output or that would cause claim 28 to produce a real world result because the added limitations don't pertain to any added tangible limitations once the address and the location information entered.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless - -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 3-6, 8-9, 11-12, 14-19, 21, 23-26, 28, 30, 32-33, 35, and 37-40 are rejected under 102 (e) as being anticipated by Brauel et al (Pub # US 2004/0002343).

With respect to claims 1 and 28, Brauel et al teach a method including the limitations for determining an address corresponding to an access point (see e.g. [0021], which teaches this limitation because an address of an access point is determined for a wireless device), obtaining

location information corresponding to the address from a location table (see e.g. [0025], which teaches this limitation because physical location information including network addresses for each access point of each wireless device is obtained from a location table), obtaining localized information using the location table (see abstract, which teaches this limitation because location-based services are provided to the user of the wireless device once the location information is provided), and providing the localized information to the user through the access point (see e.g. [0011] – [0013], which teaches this limitation because services are provided to the wireless device and the wireless device communicates through an access point in reference to the address of the device).

With respect to claim 3, Brauel et al teach a method including the limitation for providing the generation of an entry in the location table including the address and corresponding location information (see e.g. [0025], which teaches this limitation because the location table contains a plurality of entries corresponding to each access point and including an address assigned to the access point).

With respect to claim 4, Brauel et al teach a method including the limitation for obtaining the corresponding location information from the access point (see e.g. [0025], which teaches this limitation because the physical location of each access point is obtained).

With respect to claim 5, 18, and 25, Brauel et al teach a method including the limitation for wherein the localized information includes one or more of weather news, traffic information regarding nearby points of interest (see e.g. [0007], which teaches this limitation because the applicant's specification states that a user of a device may obtain information regarding restaurants in the particular location that the user is in).

With respect to claims 6, 12, 19, 26, 30, and 40, Brauel et al teach a method including the limitation for wherein the internet site is provided by an internet server (see e.g. [0034], which teaches this limitation because the services provided on an internet site are accesses via a communication server).

With respect to claim, 9 Brauel et al teach a method including the limitations for obtaining an address of the access point from communication received from the access point (see abstract, which teaches this limitation because an address of an access point is determined for a wireless device and the address of the access point is obtained through communication with the access point), obtaining location information corresponding to the physical location of the access point (see abstract, which teaches this limitation because physical location information including physical addresses for each access point of each wireless device is obtained from a location table), generating an entry within the location table including the address and the location information (see e.g. [0025], which teaches this limitation because each location table entry comprises of the address and location information for each access point), and repeating a-c for a first communication from each access point (see e.g. [0025], which teaches this limitation because the mentioned address and location information entries are generated once communication is established with an access point).

With respect to claim 11, Brauel et al teach a method including the limitations for wherein the communication is received at an internet site (see e.g. [0034] and claim 6, which teaches this limitation because the wireless communication device receives the address of the access point, as shown in claim 6, through an internet access service, as shown in e.g. [0034]).

With respect to claims 14, 21, and 39, Brauel et al teach a method including the limitations for providing a location table including a plurality of entries each having an address and location information corresponding to an access point (see abstract, which teaches this limitation because physical location information including network addresses for each access point of each wireless device is obtained from a location table), a localized information database coupled to the location table to provide localized information based on the location information (see e.g. [0013], which teaches this limitation because a list of location-based services is provided to the user of the wireless device through a communication server).

With respect to claims 8, 16, 23, and 37, Brauel et al teach a method including the limitations for providing a controller coupled to the location table and the localized information database for generating an entry in the location table including the address and corresponding location information (see e.g. [0022] – [0025], which teaches this limitation because each access point includes a wired data connection to the communication server, a wireless communication link, and a CPU for controlling transmission of data, including the address information, to the wireless communication devices and input information of the location table, which is located within the network provided information).

With respect to claim 17, 24, and 38, Brauel et al teach a method including the limitations for wherein the controller obtains the location information from the access point (see e.g. [0022], which teaches this limitation because the access point's CPU transmits the access point's location information for transmission to the communication device).

With respect to claim 32, Brauel et al teach a method including the limitations for wherein the location information is a physical location of the access point (see e.g. [0025], which

teaches this limitation because the physical location of each access point is obtained from the access point).

With respect to claim 33, Brauel et al teach a method including the limitations for providing one or more access points to provide access to an internet site (see abstract, which teaches this limitation because a plurality of access points are provided within the invention that provide for internet access, as shown in e.g. [0014]), one or more internet access systems (see e.g. [0014], which teaches this limitation because internet access service is provided for each wireless device), each capable of communicating with the one or more access points to access the internet site through the access point (see e.g. [0034], which teaches this limitation because the internet access service and other services are provided through a communication server connecting the wireless device to each access point); an apparatus to provide the internet site and capable of being accessed through the one or more access points (see e.g. [0034], which teaches this limitation because a wireless device is implemented to allow for access to the internet and allows for the wireless communication device to communicate with each access point through the communication server), a location table including a plurality of entries each having an address and location information corresponding to an appropriate one of the access points (see e.g. [0011], which teaches this limitation because the location table within the invention stores the address and location information for each access point); and a localized information database coupled to the location table to provide localized information based on the location information (see e.g. [0013], which teaches this limitation because a list of services is provided to the user of a wireless device through the same communication server that the location table information is provided).

With respect to claim 35, Brauel et al teach a method including the limitations for wherein the one or more internet access systems are one or more of a portable computer, a cellular telephone and a personal digital assistant device (see e.g. [0023], which implies this limitation because the wireless devices for providing internet access may comprise notebook computers, handheld computers, wireless e-mail devices, cellular telephones, etc.).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

11. Claims 2, 7, 10, 13, 15, 20, 22, 27, 29, 31, 36, and 41 are rejected under 35 USC 103 as being unpatentable over Brauel et al (Pub # US 2004/0002343) in view of Melpignano et al (US Pub # 2005/0170851).

In reference to claims 2, 7, 10, 13, 15, 20, 22, 27, 29, 31, 36, and 41, Brauel et al teach a method including the limitations for determining an address corresponding to an access point (see abstract, as stated above).

Brauel et al teach all the limitations as disclosed above except for wherein the address is an IP address and wherein the internet site is provided by an internet portal.

The general concepts of a limitation for wherein the address is an IP address and wherein the internet site is provided by an internet portal are well known in the art as illustrated by Melpignano et al, which teaches a method including the limitation wherein the address is an IP address (see e.g. [0043], which implies this limitation because the IP address for all access points is implemented within the embodied location services) and wherein the internet site is provided by an internet portal (see e.g. [0069], which implies this limitation because the internet access is portal-based).

It would have been obvious for one of ordinary skill in the art at the time of the invention to modify Brauel et al to include the use of a limitation for wherein the address is an IP address and wherein the internet site is provided by an internet portal in order to improve upon locating a wireless device, as implied in sec. [0004] of Melpignano et al.

12. Claim 34 is rejected under 35 U.S.C. 103 as being unpatentable over Brauel et al (Pub # US 2004/0002343).

In reference to claim 34, Brauel et al teach a limitation for providing one or more access points to provide access to an internet site (see abstract and e.g. [0014], as stated above).

Brauel et al explicitly teach the limitations as disclosed above except for wherein the access points are wireless access points.

The general concept of wireless access points is well known in the art as obvious design optimization because wireless access point are a common feature in a system for locating the address of a wireless device in a wireless communication system using access point to find the location information.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the use of wireless access points within a location table containing location information including a wireless device located in a wireless network, in order to improve upon the obstacle of retrieving location information for a wireless device using an access point, as implied in sec. [0011] of Brauel et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Scott whose telephone number is 571-270-1598. The examiner can normally be reached on Mon - Thurs. 7:30-5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frantz Jules can be reached on 571-272-6681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

R.A.S.

19 March 2007

FRANTZ JULES
SUPERVISORY PATENT EXAMINER